

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

JABAR WIRELESS, INC., et al.,

Defendants.

No. 2:21-cv-02055-DAD-AC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

(Doc. Nos. 41, 45)

On November 5, 2021, plaintiff Darren Gilbert filed this civil action alleging violations of the Americans with Disabilities Act against defendants Jabar Wireless, Inc.; Mohammed Eid; Issah Eid; Nasmi Eid; and Balady Retail, Inc., (collectively, "defendants"). (Doc. No. 1.) The Clerk of the Court entered default as to all defendants because they were served with the summons and complaint, and none of them filed an answer, responsive pleading, or otherwise appeared in this action. (Doc. Nos. 6, 27, 34, 44.) On January 10, 2023, plaintiff filed the pending motion for default judgment. (Doc. No. 41.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 and Local Rule 302.

On April 24, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for default judgment be granted. (Doc. No. 45.) The findings and recommendations provided that any objections thereto were to be filed within

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1 twenty-one (21) days. (*Id.* at 10.) To date, no objections have been filed and the time for doing
2 so has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court conducted a *de*
4 *novo* review of the case. Having carefully reviewed the file, the court concludes that the findings
5 and recommendations are supported by the record and proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on April 24, 2023 (Doc. No. 45) are
8 adopted in full;
- 9 2. Plaintiff's motion for default judgment against defendants (Doc. No. 41) is
10 granted;
- 11 3. Default judgment is entered in favor of plaintiff and against defendants in the
12 amount of \$16,062.76 (comprising \$4,000 in statutory damages and \$9,336.13 in
13 attorney's fees and costs, along with \$2,726.63 in filing fees and costs);
- 14 4. Defendants shall make changes and accommodations at the subject property
15 located at or about 2422 Del Paso Boulevard, Sacramento, CA, 95815, in
16 compliance with the Americans with Disabilities Act Accessibility Guidelines; and
- 17 5. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: **June 15, 2023**

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UNITED STATES DISTRICT JUDGE